

1 RICKY WAYNE KARLE
Plaintiff
2 V.
3 COLLETTE PETERS, JUDY GILMORE
4 JASON BELL, "JOHN" PLATT,
5 "JOHN" BREWER, Defendants

CASE NO. 2:18-cv-00402-MC
HON.
CIVIL COMPLAINT WITH
JURY DEMAND

6 I. INTRODUCTION

7

8 This is a civil complaint filed by Ricky Karle at state prison.
9 for damages and declaratory judgments under 42 U.S.C § 1983 alleging
10 That SRCI officials failed to turn the ventilation systems into cells
11 All the way off during the use of chemical agents and failed to
12 Decontaminate Plaintiff after complained of burning, itching and sore throat
13 From inhaling the toxic fumes. SRCI officials did not let Plaintiff
14 Decontaminate by way of shower until three days over 68 hours later
15 Plaintiff alleges that SRCI officials were ~~deliberately~~ ^{agent} indifferent to Plaintiff
16 Serious medical needs to decontaminate from O.C. spray harmful effects when
17 They denied him an opportunity to decontaminate within a reasonable
18 Period of Time. this violating his Eighth Amendment to U.S constitutional
19 Under The cruel and unusual Punishment standards which The Eighth Amendment
20 Forbids.

21 II JURISDICTION

22(A.) This court has jurisdiction over Plaintiff claim of violation
23 of federal constitutional right under 42 U.S.C §§ 1331(1) or 1343
24

III PARTIES

1(A.) Name of Plaintiff: RICKY WAYNE KARLE

2 Security Identification NO: 15976226

3 Address: 777 Stanton Blvd, Ontario, OR, 97914

4

5(B.) Defendants: "John" PLATT and "John" BREWER are both correctional
6 officers employed at S.R.C.I whose first names are unknown at this
7 time they are both sued in their individual capacity.

8 Defendants: JUDY GILMORE and JASON BELL are both assistant
9 superintendents at S.R.C.I and are in charge of the supervision of
10 the special housing unit (S.H.U) at the time of incident address
11 herein They are both sued in their individual capacity.

12 Defendant: COLLETTE PETERS is the director of O.D.O.C and is in
13 charge of the supervision and training of all the correctional officers
14 at S.R.C.I She is sued in her individual capacity.

15 ALL defendants have acted, and continue to act. ~~under~~ color of state
16 law at all times relevant to this complaint.

17

IV FACTUAL STATEMENT

18

19 On-08-06-17 at approx. 5:40 PM D.S.U. staff suited up in riot gear
20 and conducted a "cell extraction" while in the course of the
21 cell extraction the staff deployed chemical agent. Only $\frac{1}{2}$ the
22 ventilation system was turned off the intake vent sucking into
23 Plaintiff cell was left on. Plaintiff banged on his door complaining
24 the intake vent was left on and sucking toxic fumes into his

1 Cell, the correctional staff ignored Plaintiff. Then C.O "Brewer" came
2 in with the clean up crew Plaintiff ask him twice to be decontaminated
3 and he told Plaintiff you only get decontaminated if you/when you get
4 directly sprayed. C.O "PLATT" was working the unit and Plaintiff
5 complained to him every time he passed Plaintiff cell that he was
6 burning and itching and having breathing problems Plaintiff requested
7 to decontaminate defendant "PLATT" ignored Plaintiff
8 Plaintiff filed and did both appeals for the fact he was denied opportunity
9 to decontaminate and did the same for the fact the vents were
10 not shut off all the way.

11 V EXHAUSTION OF ADMINISTRATIVE REMEDIES
12

13 Plaintiff has exhaustion his administrative remedies with the respect
14 to the claims addressed herein

15 VI CLAIMS FOR RELIEF
16

17(A) Constitutional violations:

18(D) All defendants actions and/or failure to act in regards to
19 denying Plaintiff a reasonable opportunity to be decontaminated within
20 a reasonable time from chemical agents, and not shutting the ventilation
21 system all the way off during the use of chemical agents failed to
22 apply any administrative rules, correctional institutional Policy and state
23 law which was malicious and sadistic, intentional, deliberate, reckless and
24 to demonstrate or substantial lack of concern for whether an injury took

1 Place and the acts and/or admissions ~~were~~ were the direct and
2 cause to Plaintiff injuries in violation of the Eighth Amendment to ~~proximate~~ proximate
3 The U.S. constitution. Plaintiff Pleads and establishes the following factors.
4 in accordance with the U.S. constitution and all other factors addressed throughout
5 This complaint:

6(A) all defendants actions and/or failure to act failed to apply any administrative
7 rules, corrections institutional Policy and state law to chemical agents use by
8 failing to turn vents off during the use of chemical ~~agents~~ agents, and denying Plaintiff
9 an opportunity to decontaminate in a reasonable time:

10(B) all defendants actions and/or failure to act ~~were~~ were done maliciously and
11 sadistically constituting intentional, deliberately, reckless and callous indifference under
12 the cruel and unusual punishment standards it caused unnecessary and unwanted
13 infliction of pain:

14(C) all defendants actions and/or failure to act was the direct and proximate
15 cause of the injury and consequent damage to the Plaintiff.

16(D) all defendants acted under color of law in their capacity as public officials
17

18(B) SUPERVISORY LIABILITY

19(1) Defendant PETERS is liable for defendants: Gilmore, Bell, Plott and
20 Brewer conduct against Plaintiff for the following factors in accordance
21 with administrative rules, correctional institutional Policy and U.S. constitutional
22 law and all other factors addressed throughout this complaint:

23(A) Defendant PETERS is the director of O.D.O.C which she supervises and trains
24 correctional public officials in all prisons and correctional institutions in Oregon:

1(B) defendant PETERS correctional Public officials such as above listed defendants have
2a history of the violations addressed in Article II section A. in this complaint;
3(C) defendant PETERS failed to adequately supervise, review and/or discipline her correctional
4 Public officials whom she knew and/or should of known were violating Prisoner's right's and
5 Subject Prisons as addressed in Article II section A in this complaint. Thereby Permitting and/or
6 encouraging her correctional Public officials to engage in this unlawful conduct;
7(D) defendant PETERS failed to adequately train and/or supervise her correctional Public officials
8 in the proper Policies, Procedures and overall other prisons to violations addressed in Article II
9 Section A in this complaint;
10(E) defendant PETERS failed to adequately train and/or supervise her correctional Public
11 official in the Proper Policies, Procedures and administrative rules to the claims addressed
12 in Article II section A in this complaint;
13(F) defendant PETERS acted under the color of law in her capacity as a correctional
14 Public official;
15(G) defendant PETERS acts and/or failure to act was the direct proximate cause
16 of the injury and consequent damage to the Plaintiff;
17(H) defendant PETERS intentionally promoted and facilitated the commission of
18 defendants: Gilmore, Bell, Platt, Brewer conduct by failing to make an effort within her
19 legal duty to prevent the commission of their violations addressed in Article II Section A
20 in this complaint, thereby Permitting and/or encouraging the correctional Public officials to
21 engage in these violations.
22(2.) defendants: Gilmore and Bell are liable for defendants: Platt and Brewer conduct
23 against Plaintiff for the following factors in accordance with administrative rules, correctional
24 institutional Policy and ~~the~~ U.S Constitutional law and all the other factors ~~to~~ addressed

1 Throughout this complaint:

2 (A) defendants: Gilmore and Bell are both assistant superintendents at S.R.C.I which

3 they supervise the correctional Public officials at S.R.C.I

4 (B) Plaintiff asserts claims addressed in Article II section B, subsection (1)(B) to (H)

5 in this complaint in a manner in accordance with this claim.

6 VII RELIEF REQUESTED

7 WHEREFOR, Plaintiff reavests that the court grant the following relief:

8 (A) issue a declaratory Judemant stating that:

9 (1) all defendants actions and/or failure to act described herein violated the Eighth

10 Amendment to U.S constitution.

11 (B) Award compensatory damages in the amount of 35,000.00 both severally and

12 jointly against all defendants for Pain and suffering, sleep deprivation, Shock, anxiety,

13 Physical discomfort, inconveniences, emotional distress, mental suffering, shame and humiliation

14 (C) Award Punitive damages in the amount of 75,000.00 both severally and jointly against

15 all defendants for Pain and suffering, sleep deprivation, Shock, anxiety, Physical discomfort

16 inconveniences, emotional distress, mental suffering, shame and humiliation

17

18 "I HEREBY DECLHRE THAT THE ABOVE STATEMENT IS TRUE

19 TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I

20 UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN

21 COURI AND IS SUBJECT TO PENALTY FOR PERJURY"

22

23

24 DATED: 3-7-18


RICKY WAYNE KARLE
Plaintiff in Prose

CERTIFICATE OF SERVICE

CASE NAME: Karle v. Peters, Gilmore, Bell, Platt, Brewer

CASE NUMBER: (if known) _____

COMES NOW, Ricky Wayne Karle, and certifies the following:

That I am incarcerated by the Oregon Department of Corrections at SRCI 777
Stanton Blvd, Ontario, OR, 97914.

That on the 7 day of MARCH, 2018, I personally placed in the
Correctional Institution's mailing service A TRUE COPY of the following:

I placed the above in a securely enclosed, postage prepaid envelope, to the person(s)
named at the places addressed below:

U.S.D.C.
Clerk of court
1000 SW 3rd Ave
Portland, OR, 97204


(Signature)

Print Name Ricky Wayne Karle
S.I.D. No.: 15976226